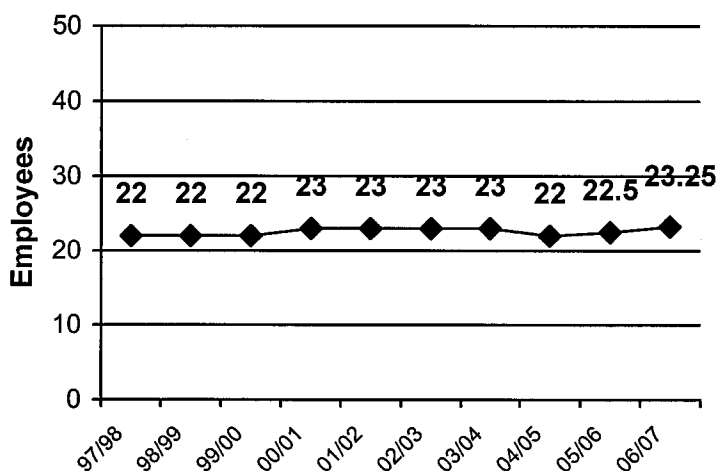


**MISSION STATEMENT**

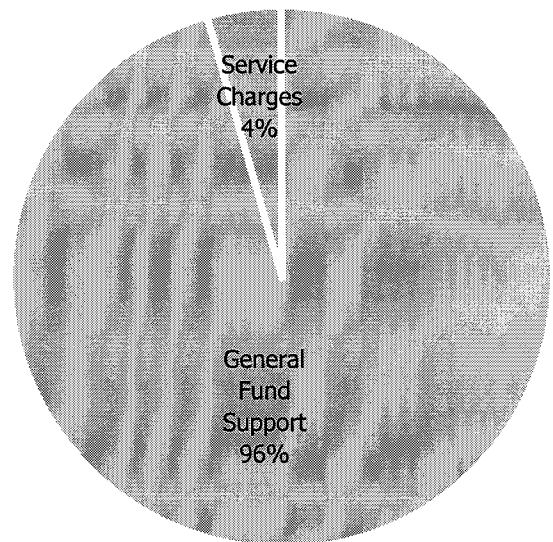
To provide accurate and reliable legal services to County departments, boards, agencies, and special districts in a manner which is cost effective and promotes excellence in delivery of government services to the public.

<u>Financial Summary</u>	<u>2004-05 Actual</u>	<u>2005-06 Actual</u>	<u>2006-07 Requested</u>	<u>2006-07 Recommended</u>	<u>2006-07 Adopted</u>
Revenues	\$ 307,595	\$ 110,373	\$ 345,625	\$ 168,785	\$ 168,785
Salary and Benefits	2,917,104	3,098,034	3,135,653	3,265,015	3,265,015
Services and Supplies	307,821	369,778	273,035	277,835	277,835
**Gross Expenditures	\$ 3,224,925	\$ 3,467,812	\$ 3,408,688	\$ 3,542,850	\$ 3,542,850
Less Intrafund Transfers	9,763	8,447	0	0	0
**Net Expenditures	\$ 3,215,162	\$ 3,459,365	\$ 3,408,688	\$ 3,542,850	\$ 3,542,850
General Fund Support (G.F.S.)	<u>\$ 2,907,567</u>	<u>\$ 3,348,992</u>	<u>\$ 3,063,063</u>	<u>\$ 3,374,065</u>	<u>\$ 3,374,065</u>

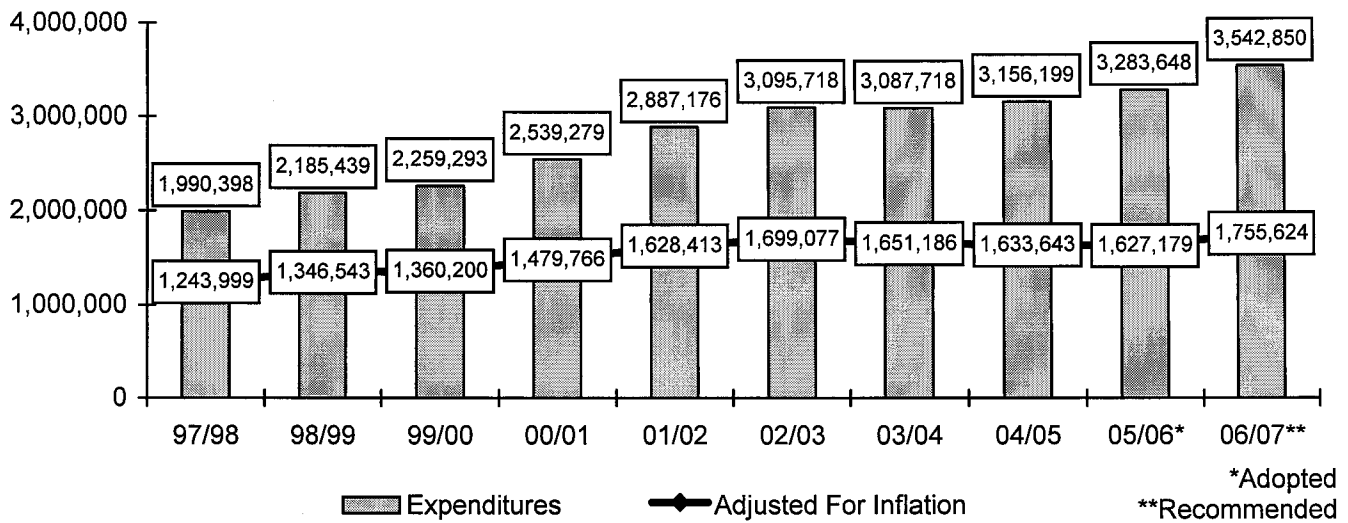
**Number of Employees**  
(Full Time Equivalent)



**Source of Funds**



## 10 Year Expenditures Adjusted For Inflation



### SERVICE PROGRAMS

#### Legal Advice

Provide representation and legal advice to the Board of Supervisors, 70 County boards, commissions, departments, agencies, or divisions (including 5 joint powers agencies to which the County belongs), and to the managers of 24 Board governed special districts, as well as certain legal services to 16 non-Board governed special districts. Conduct legal research; draft, review, and approve agreements, contracts, and projects; and advise County officers regarding their legal responsibilities under federal and state law. Protect the County and its officers from liability and enable the Board of Supervisors to carry out its programs and policies within the limits of the law.

Total Expenditures: \$2,302,313 Total Staffing (FTE): 15

#### Litigation

Defend the County and special districts and provide litigation services in complex lawsuits including tax, personnel, contract, and land use matters to minimize liability and maximize County recovery. Represent the County and protect the interests of the client in cases that address the special needs of fragile populations in the community (children referred to Child Welfare Services, residents receiving mental health care and individuals requiring conservatorship), as well as estates without probate representation.

Total Expenditures: \$1,240,537 Total Staffing (FTE): 8.25

### DEPARTMENT COMMENTS

#### FY 2005-06 Accomplishments

Over the last year the County Counsel's Office has succeeded in meeting its goals in four distinct areas: (A) customer service; (B) internal business improvements; (C) finance; and (D) learning and growth.

**(A) Customer Service:** During the past year this office has succeeded in obtaining favorable judgments in the following cases: *Capuano v. County*; *San Luis Obispo County Coastkeepers v. County* (the Shandon tank case); *San Luis Obispo County Coastkeepers v. County* (the Anastasi map extension case – favorable judgment for County in trial court); *APCD v. Conoco Phillips*; *Before Its Gone v. Board of Supervisors*; *Duke Energy v. County Assessor*; *Concerned Citizens of Los Osos v. County*; *Tosco Petroleum v. County*; and *Gulf Underwriters Insurance Company v. County*.

Transactional work accomplished for our clients include acquisition of property and right-of-way for the Nacimiento Water Project, advice and assistance on the Lopez Water Treatment Project, the Airport Runway Extension Project, assessment proceedings supporting Zone 1 and 1A of the Flood Control District, various Area Plan updates, as well as numerous General Plan amendments, tract maps and Board of Supervisors items.

For the current fiscal year, this office will have processed more than 400 dependency petitions and, in calendar year 2005, we tried or mediated 119 of these cases. The unfortunate truth of the matter is that more San Luis Obispo County children are being abused and neglected in large part due to the methamphetamine epidemic that has swept our country. This year the Juvenile Court has felt compelled to start up a special drug court and this office has had to rely on temporary help to keep up with the court docket and the statutorily mandated time frames for these difficult cases.

**(B) Internal Business Improvements:** This office has been working with Behavioral Health to establish a statutory alternative to habeas corpus proceedings on behalf of mental health patients. If the new system works as predicted, it should cut down on the number of occasions when patients actually have to be brought into court. The stress of a court appearance can, in some cases, be detrimental to the therapies being provided by our client, Behavioral Health.

The County Counsel continues to automate processes wherever possible, and we continue to fully participate with the County Counsels' Association and CSAC-EIA in sharing our common legal resources through state-of-the-art websites, secure e-mail transmissions, brief banks and electronic opinion libraries. County Counsel Jim Lindholm continues to provide leadership to the County Counsels' Association in constantly improving these electronic resources.

**(C) Finance:** This office has continued to demonstrate that a good offense can produce financial rewards. In 2004-05, County Counsel's Office succeeded in bringing in \$3.5 million by prosecuting cross-complaints against AT&T and MCI Communications. In 2005-06, we brought in \$3.4 million from the *Gulf v. County* litigation.

**(D) Learning and Growth:** In order to maintain their licenses to practice law, our attorneys must participate in mandatory continuing legal education. Much of this training is done through our California County Counsels' Association which sponsors sections in each of our specialty areas of law. These courses are economical and extremely beneficial to the County because each course is custom tailored to a county counsel's practice.

The managers of the County Counsel's Office are all supportive of the National Management Association, and we encourage our staff to participate in training sponsored by that organization. We also encourage our staff to attend classes put on by the Employee University. In California's fast-moving legal world, continuing education is not only legally mandatory, but essential for continued success.

#### **FY 2006-07 Focus**

In the coming year we expect to continue our vigorous prosecution of Level 3 in order to obtain promised fiber optic cable connections for the County. Additionally, we will continue to defend against claims by Kajima Construction Services and its subcontractors and will continue to prosecute our case, *Equilon v. County, et al.*, against the oil companies responsible for pollution of the Government Center site. This office will continue to be heavily involved with all transactions related to the Nacimiento Water Project and the airport runway extension.

We will also continue to attend the increasing number of Child Welfare Services trials and mediations, thereby assuring that the County will be able to attain results that are in the best interest of the children of our community.

As in the past, we will strive to represent the interests of the County in a way that will benefit the members of the community. This will be accomplished by continuing to conduct our business in a cost-effective manner, attend trainings in order to be up to date in the areas of law in which we practice and automate in order to be as efficient as possible.

**RECOMMENDED BUDGET AUGMENTATION REQUESTS AND RELATED RESULTS**

Unit /Amount	Description	Results
Gross: \$93,129 General Fund Support: \$51,047	The number of Child Welfare Services petitions filed with the courts, as well as the number of contest hearings and mediations held, continues to rise.  Increase one .25 FTE Deputy County Counsel to .5 FTE	<ul style="list-style-type: none"> <li>The increase in FTE will handle a 64% increase in contested hearings and mediations (from 91 hearings to 150 hearings).</li> <li>In addition, the use of temporary help to handle juvenile writs and appeals will be eliminated.</li> </ul>
Gross: \$157,185 General Fund Support: \$78,315	Increase one .50 FTE Deputy County Counsel to 1.0 FTE	

**COUNTY ADMINISTRATOR'S COMMENTS AND RECOMMENDATIONS**

The recommended budget reflects an increase in General Fund support of \$288,569, or 9% compared to the adopted FY 05-06 budget. To address the increased workload in child welfare related issues, it is recommended that an additional .75 full time equivalent (FTE) of attorney time be added to County Counsel. No new positions are being added but a .50 FTE Attorney position will increase to a full-time position and a .25 Attorney position will increase to .50 FTE. This recommendation, along with prevailing wage increases, will increase salary and benefits by 8% or \$254,697 over current year.

Overall revenues are projected to decrease by 14% or \$29,367 due to the department no longer providing legal services to the Integrated Waste Management (IWMA) and the Local Agency Formation Commission (LAFCO). Additionally, there are recommendations regarding County Counsel's role with the Civil Service Commission. Counsel will continue to provide legal advice to the Commission on routine matters and at Commission meetings. Outside legal counsel will be contracted with, through the Human Resources Department, to represent the Commission on grievances and appeals matters with Counsel providing legal representation to County departments on those issues. Funding for outside legal counsel is budgeted within Fund Center 112 – Human Resources Department. Recommended expenditures in services and supplies accounts are essentially at Fiscal Year 05-06 levels.

**BOARD ADOPTED CHANGES**

None.

**GOALS AND PERFORMANCE MEASURES**

**Department Goal:** Provide exemplary litigation services, defending decisions and advocating positions of our clients to assist those clients in achieving their objectives.

**Communitywide Result Link:** A prosperous and well-governed community.

**1. Performance Measure:** Percentage of claims filed against the County, which are resolved without litigation, within the reserve amount.

01-02 Actual Results	02-03 Actual Results	03-04 Actual Results	04-05 Actual Results	05-06 Adopted	05-06 Actual Results	06-07 Target
93%	75%	85%	85%	90%	93%	90%

**What:** Before a damage lawsuit can be filed against the County, a claim against the County is filed and requires some level of investigation or verification. Costs increase rapidly if the claim becomes a lawsuit.

**Why:** Resolving/settling cases without litigation and within the reserve amount saves the considerable costs of litigation involved in discovery and trial.

**How are we doing?** For the 05-06 fiscal year, there were 118 claims filed and 8 lawsuits that began as claims. The figures are in line with expected results.

**2. Performance Measure: Cases litigated where we achieve a positive outcome determined as follows below.**

04-05 Actual Results	05-06 Adopted	05-06 Actual Results	06-07 Target
17 Resolved 159 Pending	170	50 Resolved 164 Pending	170
<p><b>What:</b> Defend Board of Supervisors legislative and executive decisions. Uphold County officers' decisions. Protect County assets.</p> <p><b>Why:</b> To implement governmental decisions and protect County proprietary interests.</p> <p><b>How are we doing?</b> At this time, we have 164 lawsuits and administrative proceedings pending and 50 that have been resolved that involve the County. These figures do not include conservatorships, juvenile cases or mental health petitions.</p>			

**Department Goal:** Represent the County and advocate to protect the interests of the client in cases which address the special needs of fragile populations in the community (children referred to Child Protective Services, residents receiving mental health care and individuals requiring financial conservatorship), as well as estates without probate representation.

**Communitywide Result Link:** A safe and well-governed community.

**3. Performance Measure: Cases in which legal advice is provided to Child Welfare Services and advocate representation is provided in court to achieve the desired outcomes for each case as determined by Child Welfare Services.**

01-02 Actual Results	02-03 Actual Results	03-04 Actual Results	04-05 Actual Results	05-06 Adopted	05-06 Actual Results	06-07 Target
Revised measure	412	310	394	363	497	425
<p><b>What:</b> A large number of cases are filed annually by CWS to protect the children of our community. County Counsel provides legal representation in all court appearances.</p> <p><b>Why:</b> If strong legal representation is provided to CWS in these matters, then CWS will be successful in protecting the abused and neglected children of our community.</p> <p><b>How are we doing?</b> The number of cases filed in the 05-06 fiscal year is close to the projected figure, however, the number of contested hearings, mediations and trials that result from those cases continues to escalate. In the 05-06 fiscal year, there were 356 petitions filed and 141 contested hearings and mediations. The increase in these hearings and mediations has been: 03/04-21; 04/05-91; 05/06-141.</p>						

**4. Performance Measure: Cases involving people who are unable to care for themselves in which County Counsel represents the County to advocate to achieve the desired outcomes for each client or case as determined by the Public Guardian, Public Administrator or Department of Behavioral Health.**

01-02 Actual Results	02-03 Actual Results	03-04 Actual Results	04-05 Actual Results	05-06 Adopted	05-06 Actual Results	06-07 Target
Revised measure	164	150	197	154	262	200
<p><b>What:</b> The conservatorship and mental health cases in which County Counsel is involved that will protect the rights of those members of our community who are unable to make their own decisions or care for themselves. County Counsel provides legal representation in all court appearances for these matters. (Note: this measure is a consolidation of two separate measures previously used to track conservatorship and mental health cases.)</p> <p><b>Why:</b> If good legal representation is provided in these matters, the Public Guardian and Public Administrator will be successful in assuring the care of those in the community who are unable to care for themselves and Behavioral Health will be more likely to improve the mental stability of its patients.</p> <p><b>How are we doing?</b> At 05-06 year-end there are 150 Habeas Corpus matters and 112 conservatorship cases pending, for a total of 262.</p>						

**Department Goal:** Provide accurate, timely, and reliable document review and legal advice for County boards, commissions, departments, and agencies in order to help these clients achieve their objectives without unnecessary litigation or loss.

**Communitywide Result Link:** A prosperous and well-governed community.

**5. Performance Measure: Percentage of clients who report advice provided by attorneys was clear, relevant and timely.**

01-02 Actual Results	02-03 Actual Results	03-04 Actual Results	04-05 Actual Results	05-06 Adopted	05-06 Actual Results	06-07 Target
95%	99%	100%	99%	95%	99%	98%
<p><b>What:</b> Based on interviews with County Department representatives during the yearly attorney evaluation process as well as frequent contact with managers and staff of client departments.</p> <p><b>Why:</b> Each of our clients operates under a highly technical set of governing laws and regulations. By helping them understand and meet their legal obligations, we help them serve the community, state and nation.</p>						

**How are we doing?** We received 1 complaint during the 05-06 fiscal year concerning our attorneys. The Actual Results of 99% is based on the office receiving over 2,500 requests for legal advice during the 05-06 fiscal year.

**6. Performance Measure: Percentage of projects in which the response to requests for legal advice or contract review are completed on a timely basis.**

01-02 Actual Results	02-03 Actual Results	03-04 Actual Results	04-05 Actual Results	05-06 Adopted	05-06 Actual Results	06-07 Target
97%	99%	98%	95%	90%	96%	90%

**What:** Review a variety of legal documents, conduct research, and render opinions as requested, within a time period as determined by an initial review of each particular document.

**Why:** To assist our clients in achieving their objectives as expeditiously as possible by minimizing legal complications which could interfere with their objectives.

**How are we doing?** During the 05-06 fiscal year, there were 2502 requests from departments logged into the tracking system, with over 2400 handled in a timely manner. Some of the requests require more time due to their complexity or necessary research.

**7. Performance Measure: Percentage of contracted projects and Board of Supervisors agenda items completed without litigation.**

01-02 Actual Results	02-03 Actual Results	03-04 Actual Results	04-05 Actual Results	05-06 Adopted	05-06 Actual Results	06-07 Target
99%	99%	95%	99%	98%	99%	98%

**What:** All contracts and agreements are reviewed and approved prior to being presented at the Board of Supervisors meetings. These contracts and agreements pertain to a variety of issues, including capital projects, services, land use, etc. This office provides continuous legal advice while the contract is being administered, as well. All land use planning issues before the Board are reviewed by this office and advice is provided on all such items.

**Why:** Providing good legal advice in the review and administration of contracts tends to inversely correlate with the number of lawsuits filed challenging the approval or administration of those contracts. Approval and administration of the contracts without litigation helps our clients to achieve objectives and creates a significant savings for the County.

**How are we doing?** The 05-06 results are based on 5 lawsuits filed involving the County that were contracted projects and/or Board of Supervisors agenda items. The 99% figure is based on 1,100+ Board agenda items and/or contracted projects during the 05-06 fiscal year.

**Department Goal:** Provide effective legal representation to County boards, commissions, departments, and agencies in a cost-effective manner.

**Communitywide Result Link:** A prosperous and well-governed community.

**8. Performance Measure: County Counsel expenses as a percentage of the County Budget.**

01-02 Actual Results	02-03 Actual Results	03-04 Actual Results	04-05 Actual Results	05-06 Adopted	05-06 Actual Results	06-07 Target
.66%	.83%	.77%	.79%	.77%	.83%	.78%

**What:** This measure shows the relationship of County Counsel expenses to the County's budget by dividing the County Counsel Net County Cost by the County's total budget.

**Why:** County Counsel strives to keep costs as low as possible, while providing effective legal advice and representation to its clients.

**How are we doing?** County Counsel's day-to-day operating budget continues to stay fairly consistent with prior years. County Counsel generally requires an adjustment in the Salaries & Benefits accounts at year-end to cover the COLA for the year. The account that is difficult to predict and budget is the Professional & Special Services account, due to the nature of unanticipated litigation.